

PILAR Y. GOYENA, PETITIONER, VS. AMPARO LEDESMA-GUSTILO, RESPONDENT.

G.R. No. 147148. January 13, 2003

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

From the Court of Appeals June 19, 2000 Decision which affirmed that of the Regional Trial Court (RTC) of Makati, Branch 149 in Special Proceeding No. N-4375 appointing herein respondent Amparo Ledesma Gustilo as guardian over the person and property of her sister Julieta Ledesma, Pilar Y. Goyena, Julieta's close friend and companion of more than 60 years, comes to this Court on petition for review on certiorari.

On July 8, 1996, respondent filed at the RTC of Makati a "PETITION FOR LETTERS OF GUARDIANSHIP"[1] over the person and properties of her sister Julieta, the pertinent allegations of which read:

- That for the most part during the year 1995 and 1996, Julieta Ledesma has been a patient in the Makati Medical Center where she is under medical attention for old age, general debility, and a "mini"-stroke which she suffered in the United States in early 1995;
- That Julieta Ledesma is confined to her bed and can not get up from bed without outside assistance, and she has to be moved by wheel chair;
- That Julieta Ledesma owns real estate and personal properties in Metro Manila and in Western Visayas, with an aggregate estimated assessed and par value of P1 Million Pesos[;]
- That Julieta Ledesma is not in a position to care for herself, and that she needs the assistance of a guardian to manage her interests in on-going corporate and agricultural enterprises;
- That the nearest of kin of Julieta Ledesma are her sisters of the full blood, namely, petitioner Amparo Ledesma Gustilo, Teresa Ledesma (aka. Sister Cristina of the Religious of the Assumption, and Loreto Ledesma Mapa, all of whom have given their consent to the filing of this petition as shown by their signatures at the bottom of this petition[;]
- That petitioner has extensive experience in business management of commercial, agricultural and corporate enterprises, many of which are in the same entities where Julieta Ledesma holds an interest, and that she is in a position to monitor and supervise the delivery of vitally needed medical services to Julieta Ledesma whether in the Metro Manila area, or elsewhere.

Petitioner filed an Opposition to the petition for letters of guardianship. She later filed an Amended Opposition on August 15, 1996 reading in part:

2.03 The petition lacked factual and legal basis in that Julieta Ledesma is competent and sane and there is absolutely no need to appoint a guardian to take charge of her person/property. She is very able to take charge of her affairs, and this is clearly evident from her letters to the petitioner. Copies of her recent letters are herewith attached as Annexes "A" to "E."

x x x

2.05 Petitioner is not fit to be appointed as the guardian of Julieta Ledesma since their interests are antagonistic (*Sudler v. Sudler*, 121 Md. 46. 49 L.R.A. 800, as cited in vol. V-B Francisco Revised Rules of Court, Rule 93, Section 4, p. 414).

x x x

3.01 The above captioned petition should be dismissed for utter lack of legal and/or factual basis.

3.02 In the remote event that this Honorable Court should find that Julieta Ledesma is incompetent and resolve that there is need to appoint a guardian over her person and property, this Honorable Court should appoint as such guardian:

- Oppositor Goyena;
- Bart Lacson;
- Fely Montelibano;
- Jose T. Revilla; or
- a qualified and reputable person as may be determined fit by this Honorable Court.

By Decision[2] of October 4, 1996, the trial court found Julieta “incompetent and incapable of taking care of herself and her property” and appointed respondent as guardian of her person and properties, ratiocinating as follows:

A perusal of the records shows that petitioner (Amparo) is 72 years of age, the youngest sister of Julieta. Admittedly, the Oppositor Pilar Goyena, 90 years of age has been the close friend and companion of Julieta for 61 years. Julieta was with Oppositor when she suffered her first stroke in Makati in 1991 which was the reason why Julieta had to give up the management of their hacienda in Bacolod. It is also not disputed that Julieta was with Pilar when she had her second stroke in the U.S. In short, the special bond of friendship existing between Julieta and the Oppositor cannot be denied. Now that Julieta is unable to manage her personal life and business concerns due to senility and “vascular dementia,” the oppositor wants to be appointed her guardian or else Bart Lacson, Fely Montelibano and Jose T. Revilla.

It is interesting to note that the oppositor has interposed her objection to the appointment of Amparo as guardian because she thinks that the latter dislikes her. She further added that there were a number of letters allegedly written by Julieta to Amparo which showed Julieta’s sentiments regarding certain matters. Nevertheless, not one of the nearest of kin of Julieta opposed the petition. As a matter of fact, her sisters signified their conformity thereto. Thus, Ms. Goyena’s mere conjecture that Amparo dislikes her is no sufficient reason why the petition should be denied. Neither does it make Amparo unsuitable and unfit to perform the duties of a guardian. On the contrary, it is Ms. Goyena who could be considered as to have an adverse interest to that of Julieta if it is true that 50% of Julieta’s holdings at the Makati Medical Center has been transferred to her as alleged in Exhibit 1 and Exhibit A.

By and large, the qualification of Amparo to act as guardian over the person and properties of Julieta has been duly established. As a sister, she can best take care of Julieta’s concerns and well being. Now that Julieta is in the twilight of her life, her family should be given the opportunity to show their love and affection for her without however denying Pilar Goyena access to her considering the special bond of friendship between the two. Needless to say, the oppositor at 90 years of age could not be said to be physically fit to attend to all the needs of Julieta.

WHEREFORE, petitioner Amparo Gustilo, is hereby appointed guardian over the person and property of

Julieta Ledesma, an incompetent with all the powers and duties specified under the law.

Accordingly, let letters of guardianship issue to petitioner upon her filing of a bond in the amount of P200,000.00 to guarantee the performance of the obligations prescribed for general guardians.

SO ORDERED. (Emphasis supplied)

Petitioner's Motion for Reconsideration of the trial court's decision was, by Order of November 4, 1996[3], denied in this wise:

Acting on the Motion for Reconsideration filed by the Oppositor thru counsel, and finding no merits on the ground stated therein, considering that petitioner appears to be most qualified and suitable to act as Julieta Ledesma's guardian after taking into consideration the qualifications of the oppositor and her other recomendees [sic], aside from the fact that petitioner's appointment as such was not objected to by any of her nearest kin, in contrast to the hostile interest of oppositor, the same is hereby DENIED.

SO ORDERED.

On appeal of petitioner, the Court of Appeals affirmed the trial court's decision on the following ratiocination:[4]

Indeed, oppositor-appellant (Pilar) has not shown the authenticity and due execution of the letters which purport to show the existence of a rift between Julieta and her family and dissatisfaction as to how the businesses were managed. At any rate, while it is correct to say that no person should be appointed guardian if his interest conflict with those of the ward (Guerrero vs. Teran, 13 Phil. 212), there are really no antagonistic interests to speak of between petitioner [Amparo] and Julieta, they being co-owners of certain properties. There is also no showing that petitioner's business decisions in the past had resulted in the prejudice of Julieta.

While the oppositor may have been very close to Julieta, there is no sufficient showing that petitioner is hostile to the best interests of the latter. On the contrary, it was the petitioner who, realizing the need for the appointment of a person to guard her sister's interests, initiated the petition for guardianship. We see no indication that petitioner is animated by a desire to prejudice Julieta's health as well as financial interests. In point of fact, it was oppositor-appellant who had initially concealed the deteriorating state of mind of Julieta from the court. Oppositor's advanced age of 90 years also militate against her assuming the guardianship of the incompetent. The oppositor has declared that she is not interested to be appointed legal guardian (p.21[,] Appellant's Brief, Id., p. 59). But the persons that she points to as being better choices as Julieta's guardian over the appellee have not acted, nor even indicated, their desire to act as such. In any case, We see no cogent reason why We should reverse the well-reasoned disquisition of the trial court.

WHEREFORE, finding no error in the appealed decision, the same is hereby AFFIRMED.

SO ORDERED. (Emphasis supplied)

Petitioner's Motion for Reconsideration of the Court of Appeals decision having been denied, she filed the present petition which proffers that:

THE COURT OF APPEALS HAS DECIDED A QUESTION OF SUBSTANCE IN A WAY NOT IN ACCORD WITH LAW AND APPLICABLE DECISIONS OF THIS HONORABLE COURT.

THE COURT OF APPEALS HAS DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDINGS IN AFFIRMING THE TRIAL COURT'S DECISION DATED OCTOBER 4, 1996 AND IN ISSUING THE RESOLUTIONS DATED JUNE 29, 2000 AND FEBRUARY 9, 2001.

The petition fails.

It is well-entrenched doctrine that questions of fact are not proper subjects of appeal by certiorari under Rule 45 of

the Rules of Court as this mode of appeal is confined to questions of law.[5] The test of whether the question is one of law or of fact is whether the appellate court can determine the issue raised without reviewing or evaluating the evidence, in which case it is a question of law; otherwise, it is question of fact.[6]

In the case at bar, the only issue before this Court is whether or not the appellate court and the trial court erred in finding that respondent is not unsuitable for appointment as guardian of the person and properties of Julieta. In support of an affirmative answer, petitioner posits as follows:

- The Court of Appeals' basis for its decision that there are no antagonistic interests between [her] and [respondent] is contrary to the evidence on record,[7]
- The Court of Appeals' erred in holding that there is no showing that [respondent] is hostile to the best interest of Julieta,[8] and
- Julieta Ledesma's appointed representatives are most suitable to be appointed as her guardian.[9]

Clearly, the issues raised and arguments in support of petitioner's position require a review of the evidence, hence, not proper for consideration in the petition at bar. This Court cannot thus be tasked to go over the proofs presented by the parties and analyze, assess, and weigh them to ascertain if the trial court and appellate court were correct in according them superior credit.[10]

That the issues raised are factual is in fact admitted by petitioner in her Reply dated August 30, 2001:[11]

Although the general rule is that this Honorable Court is not a trier of facts, its jurisdiction being limited to reviewing and revising only errors of law, it is nonetheless subject to the following exceptions which have been laid down in a number of decisions of this Honorable Court:

(1) When the conclusion is a finding grounded entirely on speculation, surmises and conjectures; (2) When the inference made is manifestly mistaken, absurd or impossible; (3) When there is grave abuse of discretion; (4) When the judgment is based on a misapprehension of facts; (5) When the findings of facts are conflicting; (6) When the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellants and appellee; (7) When the findings of the Court of Appeals are contrary to those of the trial court; (8) When the findings of facts are conclusions without citation of specific evidence on which they are based; (9) When the facts set forth in the petition as well as in the petitioners' main and reply briefs are not disputed by the respondents; and (10) When the findings of fact of the Court of Appeals is premised on the supposed absence of evidence and is contradicted by the evidence on record (Emphasis supplied); (Id., 350-351)

Petitioner claims that "there is no doubt that the instant petition falls within the above-stated exceptions because the findings of the Court of Appeals are clearly belied by the evidence on record." [12]

In the selection of a guardian, a large discretion must be allowed the judge who deals directly with the parties.[13] As this Court said:

As a rule, when it appears that the judge has exercised care and diligence in selecting the guardian, and has given due consideration to the reasons for and against his action which are urged by the interested parties, his action should not be disturbed unless it is made very clear that he has fallen into grievous error.[14]

In the case at bar, petitioner has not shown that the lower courts committed any error.

Petitioner cannot rely on *Garchitorena v. Sotelo*[15] with respect to the existence of antagonistic interests between respondent and Julieta. In that case, the interest of Perfecto Gabriel as creditor and mortgagee of the minor-wards' properties (a house and lot) is antagonistic to the interest of the wards as mortgagors, hence,

Gabriel's appointment as guardian was erroneous. For while he sought to foreclose the wards' properties as creditor and mortgagee on one hand, he had to, on the other hand, endeavor to retain them for the wards as their guardian. Added to that was Gabriel's appointment as guardian without him informing the guardianship court that he held a mortgage on the properties. Furthermore, he deliberately misinformed the said court that the first mortgagee was the Santa Clara Monastery when it was him. None of the said circumstances obtain in the present case.

Petitioner can neither rely on certain letters of Julieta to establish her claim that there existed[16] a rift between the two which amounts to antagonistic interests. The first letter[17] sent by Julieta to respondent which reads:

x x x So if you (appellee) do not agree with me (Julieta) my decision is right to let us divide as soon as possible, so we will have capital each of us to work, and keep the Hda, for [sic] generation to generation.

x x x

For the last time I will repeat even if I have to kneel before you and Carlos I have no interest anymore in any future investment due to my age and being single and alone in life. I would like to be able to enjoy whatever monies that correspond to me. I would like to have enough money as a reserve for any future need that I might have like hospitalization, travel, buying whatever I like, etc. etc. (Letter to appellee; Exhibit "2")

merely shows Julieta's lack of interest in future investments, not necessarily a business disagreement, and certainly not per se amounting to antagonistic interests between her and respondent to render the latter unsuitable for appointment as guardian.

The second letter[18] which reads:

My mind is still clear to tell you about Fortuna when I had my stroke I was confined in MMC for one month. If I am not mistaken you did not visit me. One day Carlos came to visit me and asked me this question. Do you think you will be able to continue managing the Hda? I answered him I don't know it all depends on my sickness. Carlos said who do you want to take your place? I said I want Cheling Zabaljauregui. Then Carlos said O.K. He asked Pilar can you contact Cheling? Tell him to call me or see me. The nephew of Cheling was a resident in MMC through him Pilar was able to contact Cheling and gave him Carlo's message. So I thought all the time it was agreeable. I left for USA for treatment. To my surprise when I came back from USA it was not Cheling, but you (appellee) took over the management as you requested. Carlos did not tell me but decided in your favor. x x x (Letter to appellee; Exhibit "3"; emphasis supplied)

shows that: 1) respondent did not visit Julieta when she was confined at the Makati Medical Center on account of her stroke, 2) there was disagreement as to who should run the hacienda, with Julieta favoring a certain Cheling Zabaljauregui, and 3) respondent took over management of the hacienda with their brother Carlos (Ledesma) supporting her. No inference as to the existence of antagonistic interests between respondent and Julieta can thus be made.

The third letter[19] which reads:

x x x Carlos went to the house before I left and asked from me twenty thousand (20,000) shares of San Carlos Milling which you gave because I wanted to sell all.xxx If he does not sell or cannot sell, just arrange to send them back to me. Amparing since I came here to America and Vancouver my requests have been ignored. Everyone is suspecting that Pilar is the one ordering or commanding me that is not true. What I asked from Julio is just to report to me or send me reports so I can follow up from here. But up to now he has ignored my requests x x x. (Letter to appellee Exhibit "4")

has no relevance to the issue of whether or not the lower courts erred in finding that respondent is not unsuitable for appointment as guardian. The letter in fact discloses, that it was Julieta's nephew Julio Ledesma, and not

respondent, who ignored the “request.”

As for the fourth letter[20] which reads:

I want all of you to know that whatever decision now and in the future I want to do nobody can stop me especially regarding my properties, money, etc. I will be the only one to dispose of it because it is mine. You said to Raul you are going to court, you are most welcome x x x. (Letter to Connie, Exhibit “5”)

it has also no relevance to the issue in the case at bar. The letter is not even addressed to respondent but to a certain Connie (a sister-in-law of Julieta).

Petitioner’s assertion that respondent’s intent in instituting the guardianship proceedings is to take control of Julieta’s properties and use them for her own benefit[21] is purely speculative and finds no support from the records.

The claim that respondent is hostile to the best interests of Julieta also lacks merit. That respondent removed Julieta from the Makati Medical Center where she was confined after she suffered a stroke does not necessarily show her hostility towards Julieta, given the observation by the trial court, cited in the present petition, that Julieta was still placed under the care of doctors[22] after she checked out and was returned to the hospital when she suffered another stroke.

Finally, this Court notes two undisputed facts in the case at bar, to wit: 1) Petitioner opposed the petition for the appointment of respondent as guardian before the trial court because, among other reasons, she felt she was disliked by respondent,[23] a ground which does not render respondent unsuitable for appointment as guardian, and 2) Petitioner concealed the deteriorating state of mind of Julieta before the trial court,[24] which is reflective of a lack of good faith.

Discussion of the third argument is unnecessary, the suitability of Amparo for appointment as guardian not having been successfully contested.

ACCORDINGLY, for lack of merit, the petition is hereby DISMISSED.

SO ORDERED.

Puno, (Chairman), Panganiban, Sandoval-Gutierrez, and Corona, JJ., concur.

[1] Records, pp. 1-3.

[2] Id. at 303-308.

[3] Records at 321.

[4] CA Id., pp. 197 – 201.

[5] RULES OF COURT, Rule 45, Section 1; See *Perez v. Court of Appeals*, 316 SCRA 43, 61 (1999) (citation omitted); *Chan Sui Bi v. Court of Appeals*, 341 SCRA 364, 372 (2000).

[6] *China Road and Bridge Corporation v. Court of Appeals*, 348 SCRA 401, 411 (2000) (citation omitted).

[7] Id. ,p. 20.

[8] Id. at 28.

[9] Id. at 34.

[10] *Chan Sui Bi v. Court of Appeals*, 341 SCRA 364, 372 - 373 (2000) (citation omitted).

[11] *Id.* at 350-351.

[12] *Id.* at 351.

[13] *Feliciano v. Camahort*, 22 Phil. 235, 235-236 (1912).

[14] *Id.* (emphasis supplied).

[15] 74 Phil. 25, 29-30 (1942).

[16] *Id.* at 22.

[17] *Id.* at 20 - 21.

[18] *Id.* at 21.

[19] *Id.*

[20] *Id.*

[21] *Id.* at 23; See also at 53.

[22] *Id.* at 31.

[23] Records at 307.

[24] CA *Id.*, pp. 200-201.

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